

COURT OF COMMON PLEAS

CHIEF JUDGE CARL C. DANBERG



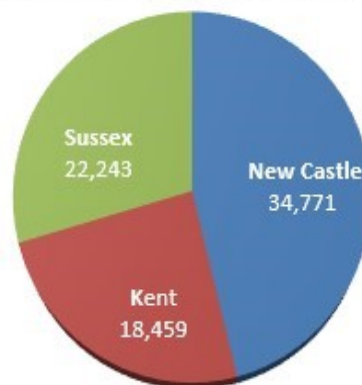
Fiscal Year 2021 can best be summarized as a year of novelty for the Court of Common Pleas. The COVID-19 pandemic necessitated quick innovations in Court operations. As the Court settled into its new, virtual-dependent normal, it did so, for the first time in the Court of Common Pleas' history, with a majority-female judiciary.

Like the other courts of the State of Delaware and in jurisdictions nation-wide, the COVID-19 pandemic fundamentally changed operations within the Court of Common Pleas. However, the Court of Common Pleas quickly adapted and implemented innovatory virtual-based solutions to continue offering the people and institutions of Delaware fair and efficient access to the justice system. Although court facilities operated at reduced capacity throughout FY 2021, the Court of Common Pleas staff rose to the occasion, working from their homes and in the office to ensure that the Court continued to operate as smoothly as practicable. The Court refined its methods for conducting business remotely and held a wide range of court

proceedings via video platforms. The Court also modified and retrofitted courtrooms to accommodate both video and in-person proceedings under social distancing guidelines. Additionally, while continuing to address new incoming cases, the Court, with the help and support of its justice partners, developed creative strategies to efficiently and effectively address the sizeable backlog of cases accumulated during the pandemic.

The Court of Common Pleas saw a number of "firsts" throughout FY 2021, beyond changes in the procedures, practices, and

**COURT OF COMMON PLEAS CIVIL & CRIMINAL
FILINGS BY COUNTY FY 2021**



COURT OF COMMON PLEAS

COURT OF COMMON PLEAS

social distancing measures employed. The Court of Common Pleas also had the distinct honor of welcoming an unprecedented number of women to the Bench in FY 2021. The Honorable Monica A. Horton became the first judge of Asian descent appointed to serve as a judge in any Delaware State Court. Along with the Honorable Rae M. Mims, the first African American judge appointed in Sussex County, they were the first African American females to serve as judges in the Court of Common Pleas. In May 2021, the Honorable Katharine L. Mayer was appointed as a judge in New Castle County, and the Honorable Emily Ferrell was appointed to serve as commissioner in New Castle County. With these historic appointments, the tide shifted to a majority-female Bench in the Court of Common Pleas for the first time in the Court's history.

In this, my first Annual Report message as the Chief Judge, I would like to recognize the retirement of Chief Judge Alex J. Smalls, who served on the Bench for over 29 years, the last 23 of which he served as Chief Judge for the Court of Common Pleas. Chief Judge Smalls was a pioneering jurist in his own right and a leader who never forgot what allows justice to thrive: the people. His compassion was a guiding principle in matters of the bench and his interactions with Court staff; I am fortunate to have been mentored by him for the last eight years and am honored to continue his work. With the legacy imparted by Chief Judge Smalls, coupled with the groundbreaking judicial appointments in recent years, the Court of Common Pleas is poised to keep justice strong in Delaware for years to come.

Despite the challenges presented by the COVID-19 pandemic, the Court of Common Pleas has continued to be one of the busiest courts in the State of Delaware, with over 81,132 case filings in FY 2021. Civil case filings in the Court of Common Pleas decreased in FY 2021, but the Court continued to maintain a heavy civil caseload. In FY 2021, the Court of Common Pleas received 6,320 new civil complaints, in addition to 2,416 civil judgments, name changes and appeals. Consumer debt collection continued to make up the bulk of the Court's civil caseload, accounting for 81.4% of the cases filed in FY 2021. Notably, to minimize the spread of COVID-19, the Court of Common Pleas established

strategies for conducting civil proceedings, including motion hearings, pre-trial conferences, and name change petition hearings, via video platforms. Criminal case filings also decreased in FY 2021. Criminal misdemeanor filings in the Court of Common Pleas in FY 2021 totaled 66,737, and 7,521 preliminary hearings were scheduled. These figures represent a 15.6% decrease in criminal misdemeanor filings and a 14.3% decrease in total criminal caseload compared to FY 2020. It should be noted that the Court of Common Pleas continued to conduct criminal proceedings for defendants in custody via video throughout the COVID-19 pandemic and closure of court facilities.

While the criminal caseload has declined, the types of cases filed in the Court of Common Pleas are considerably more complex than in years past. Traffic cases now make up a smaller share of the total caseload in each county. In FY 2021, there were 24,449 traffic charges filed in the Court of Common Pleas. This is a 16.7% decrease from the 29,354 filed in FY 2020. However, the overall misdemeanor filing total decreased by only 15.6% during the same period, and the growth rate of drug and alcohol cases has consistently outpaced other criminal filings. Statewide DUI transfers increased 53.4%—growing from 1,970 to 3,022—between FY 2013 and FY 2021. In Sussex County, the portion of the Court's caseload consisting of misdemeanor drug cases has doubled, from 5% of the county's total caseload to 11%, between FY 2012 and FY 2021.

The Court of Common Pleas' Mediation Program

The Court of Common Pleas Mediation Program continues to distinguish itself as a valuable resource for criminal disputants, civil litigants, and the community at large. The program provides an Alternative Dispute Resolution (ADR) option within the Court and serves a significant number of clients throughout the state. This ADR option is particularly valuable to indigent populations who otherwise cannot afford the cost of private ADR services. The Community section of the Mediation Program assists local police agencies in resolving neighborhood disputes as well as those who wish to resolve disputes without the need for costly criminal or civil

Continued on next page

COURT OF COMMON PLEAS

litigation. In addition, the Mediation Program serves as an ADR educational resource for attorneys studying for the Delaware Bar exam or Mediation Certification.

In FY 2021 there were 1,417 cases referred for mediation statewide. Mediation provides an alternative to criminal prosecution, assists the Court in the management of its busy calendars, and leaves participants with an increased sense of satisfaction with the justice system. In FY 2021, the Court's Mediation Program had a statewide success/satisfaction rate of 94%.

The Court of Common Pleas Mediation Program also continued to provide service without interruption during the COVID-19 Judicial Emergency. During the initial weeks of the emergency, we quickly adapted to provide services remotely through Zoom technology, teleconference, and email. The use of remote options in conducting mediations has been so successful that we will continue to provide these options beyond the pandemic.

FY 2021 also saw an increase in Community mediation referrals (cases not involving any criminal charges or pending civil litigation) specifically from police agencies statewide under the Pre-Arrest/Police Diversion Program. Working closely with police agencies,

we provide a forum for justice through resolution, rather than prosecution.

Court of Common Pleas Treatment Courts

The Court continued to operate its highly successful court-supervised Drug Diversion Program for non-violent offenders. This program is under the jurisdiction of Judge Robert Surles in New Castle County, Commissioner Donald Bucklin in Kent County, and Judge Kenneth Clark in Sussex County. The Drug Diversion Program represents a collaborative effort between the Court, the Department of Justice, the Office of Defense Services, the private bar, treatment providers and the Public Health Management Corporation (PHMC). Collaboration with PHMC provides observation, research, and data analysis, which has assisted in launching scores of other drug diversion programs throughout the United States and internationally. The Court of Common Pleas Drug Diversion program has served 9,139 participants since its inception in 1998.

The Court of Common Pleas continues to operate the DUI Treatment Court Program which is available in all three counties. With the retirement of Chief Judge Smalls, the New Castle County program is now under the direction of Judge Monica Horton. Since its inception in December 2014, 232 individuals have entered the program, with 189 successfully completing the program and 18 terminations from the program. In FY 2021, there were 25 active participants in the program. The program was expanded into Kent County in February 2018 and is under the direction of Commissioner Donald Bucklin. To date, 47 individuals have entered the program with 35 individuals successfully completing the program and 4 terminations. In FY 2021, there are 8 active participants in the program. The planned expansion into Sussex County has been completed and was initiated in August 2020 with this program also being under the direction of Commissioner Bucklin. To date, 29 individuals have entered the program with 1 successful graduate and 3 terminations. In FY 2021, there are 25 active participants in the program.

COURT OF COMMON PLEAS NUMBER OF FILINGS BY TYPE FY 2021



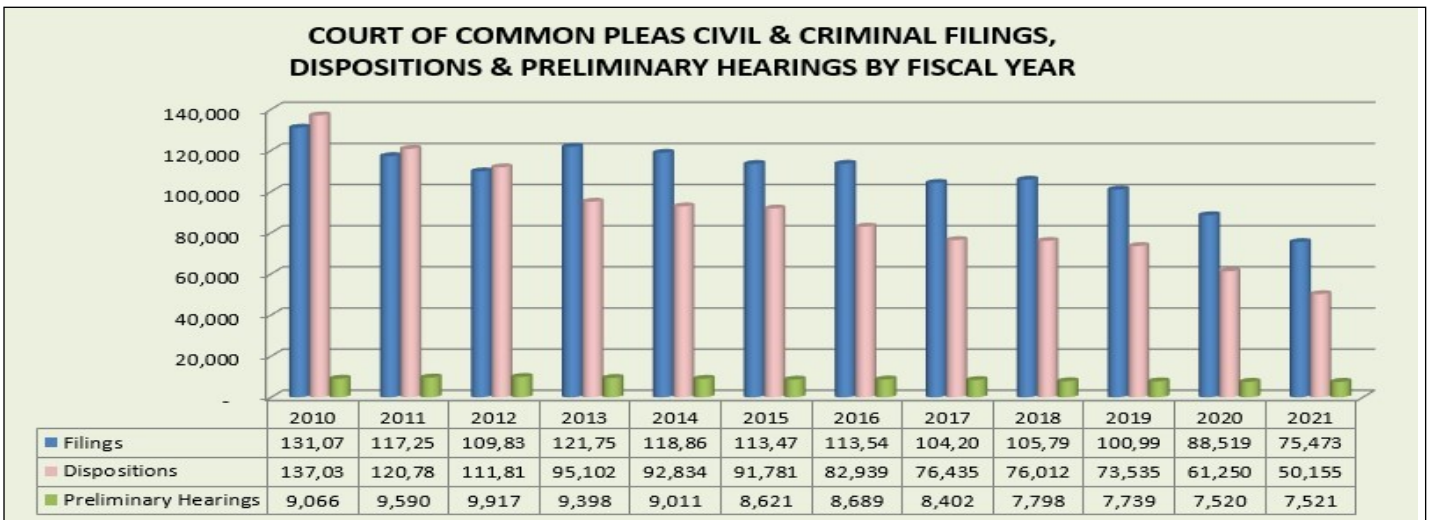
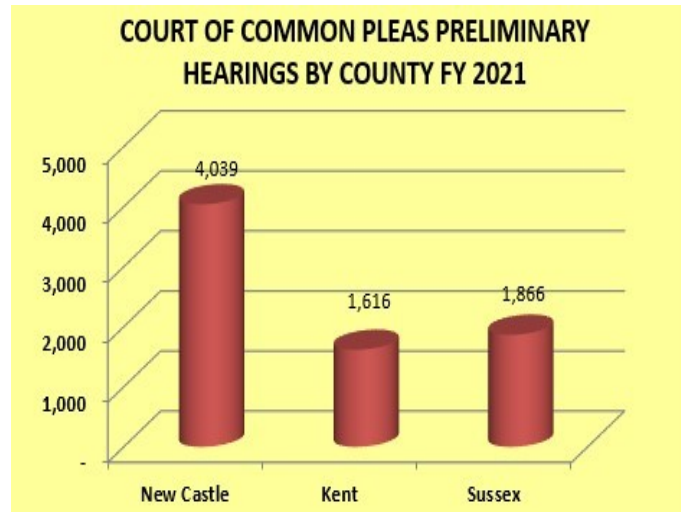
COURT OF COMMON PLEAS

To be eligible for the program, the DUI must be a first offense with a high blood alcohol content (BAC) level or a second DUI offense; the DUI must not have resulted in severe bodily injury or death; the individual is subject to the DUI-RANT Assessment and must test within the High Risk/High Need quadrant; and the individual must plead guilty to the offense. The program is authorized under 21 *Del. C.* § 4177(d)(2) with its goal being to enhance community safety through the promotion of lifestyle changes with specialized treatment provided by the designated treatment provider and community supervision under the direction of the Department of Correction. The treatment program requires all participants to complete an evaluation for determination of treatment needs to establish a motivational intervention program that addresses alcohol and/or drug problems with the goal to change behaviors. Participants are also required to complete 240 hours of community service.

The Court of Common Pleas also collaborated with other courts in the Judiciary, justice partners, state service agencies and community groups to establish a Community Court in the City of Wilmington. The Wilmington Community Court seeks to reduce crime and recidivism by addressing the quality-of-life issues facing its communities utilizing a restorative justice approach, by forging meaningful partnerships, and improving public trust and confidence in the justice system. A Community Resource Center was opened in conjunction with Community Court. It is located on the second floor of the Leonard L.

Williams Justice Center in Wilmington, is open to any member of the public and provides individuals immediate access to connections with a variety of service providers to address needs ranging from education, employment, mental health, substance abuse, housing, and food.

Since opening in the Fall of 2019, Community Court has served 365 people, by offering those charged with certain misdemeanors the chance to complete mandated alternatives to the traditional jail time or fines. These mandates include some combination of community and/or social service. With the retirement of Chief Judge Smalls, the program is now under my direction as Chief Judge. ♦



Continued on next page

COURT OF COMMON PLEAS

COURT OF COMMON PLEAS JUDGES/ COMMISSIONERS OF NEW CASTLE COUNTY



Front Row (left to right): Judge Katharine L. Mayer; Judge Monica A. Horton.

Back Row (left to right): Commissioner Emily Ferrell; Judge Bradley V. Manning; Chief Judge Carl C. Danberg; Judge Robert H. Surles.

COURT OF COMMON PLEAS COMMISSIONER OF KENT/SUSSEX COUNTY



Commissioner Donald R. Bucklin.

COURT OF COMMON PLEAS

COURT OF COMMON PLEAS JUDGES KENT COUNTY



Left to right: Judge Anne E. Hartnett; Judge Kathleen K. Amalfitano.

COURT OF COMMON PLEAS JUDGES SUSSEX COUNTY



Left to right: Judge Rae M. Mims; Judge Kenneth S. Clark, Jr.